

BEHIND THE SCENES: Parental Rights Under Attack

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Alliance Defending Freedom



Understanding Parental Rights

Biblical Origin of Parental Rights

- Parental rights are pre-political and are endowed to parents by the Creator.
- God created the first family (one man and one woman who came together in the flesh to procreate by God's command to multiply and fill the earth).
- *“So God created mankind in His own image, in the image of God he created them; male and female he created them. God blessed them and said to them, ‘Be fruitful and increase in number, fill the earth. . . .’”* Genesis 1:27-28

Biblical Origin of Parental Rights

Parental rights include – and actually require – that parents raise their children in the fear and admonition of the Lord and teach them how to live a life that honors and obeys Him.

Biblical Origin of Parental Rights

“These are the commands, decrees and laws the LORD your God directed me to teach you to observe in the land that you are crossing the Jordan to possess, so that you, your children and their children after them may fear the LORD your God as long as you live by keeping all his decrees and commands that I give you, and so that you may enjoy long life. Hear, Israel, and be careful to obey so that it may go well with you and that you may increase greatly in a land flowing with milk and honey, just as the LORD, the God of your ancestors, promised you.

*Hear, O Israel: The LORD our God, the LORD is one. Love the LORD your God with all your heart and with all your soul and with all your strength. **These commandments that I give you today are to be on your hearts. Impress them on your children. Talk about them when you sit at home and when you walk along the road, when you lie down and when you get up. Tie them as symbols on your hands and bind them on your foreheads. Write them on the doorframes of your houses and on your gates.**” - Deuteronomy 6:1-9*

Legal Origin of Parental Rights

In summary, the U.S. Supreme Court has repeatedly affirmed in three landmark cases that parents have the fundamental right under the Due Process Clause of the Fourteenth Amendment to the U.S. Constitution to:

direct the upbringing, education and health care of their children in accordance with their values and beliefs.

Legal Origin of Parental Rights

In the 1923 case of *Meyers v. Nebraska*, the Supreme Court found that a family's constitutional right to privacy included the **right to educate their children** and prohibited states from passing laws that “unreasonably interfered” with a **parent's right to direct the educational upbringing of their child**.

Legal Origin of Parental Rights

Then, in *Pierce v. Society of Sisters*, the Supreme Court famously declared:

“The child is not the mere creature of the State; those who nurture him and direct his destiny have the right, coupled with the high duty, to recognize and prepare him for additional obligations.”

This case specifically acknowledged parental rights as fundamental and applied the “strict scrutiny” – or highest standard of legal review – to any laws that conflict with parental rights. Laws can meet this standard only if they serve a compelling state interest and are narrowly tailored to that interest.

Legal Origin of Parental Rights

Finally, in *Wisconsin v. Yoder*, the Supreme Court reiterated a parent's right to direct the education of their children through homeschooling or even vocational work.

The Court specifically stated:

“This primary role of parents in the upbringing of their children is now established **beyond debate** as an **enduring American tradition.**”

Turning of the Tide

Unfortunately, in 2000, the Supreme Court issued a fractured decision in a grandparent visitation case, *Troxel v. Granville*. The Court came to the right result in finding that the mother had the parental right to determine her child's visitation schedule, but the Justices arrived at this result through various legal analyses.

The result: some courts throughout the U.S. have used the *Troxel* decision to read confusion into the law as an excuse to limit parental rights. Now, parental rights are not always protected in every state or federal court at the same level as other fundamental rights



The Undermining of
Parental Rights
through Radical Gender
Ideology in K-12 Education

Schools are Teaching and Promoting Gender Theory and Queer Studies

The Gender Unicorn

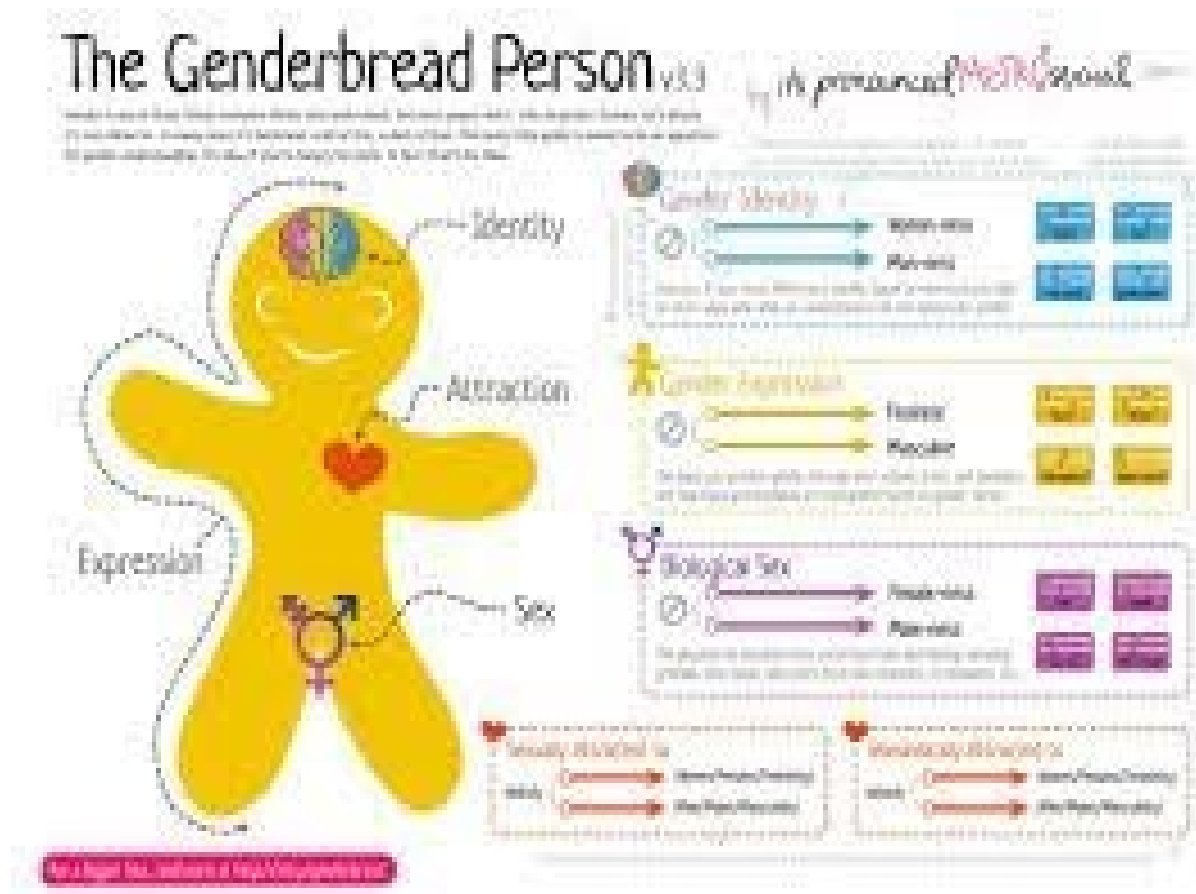
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TSER



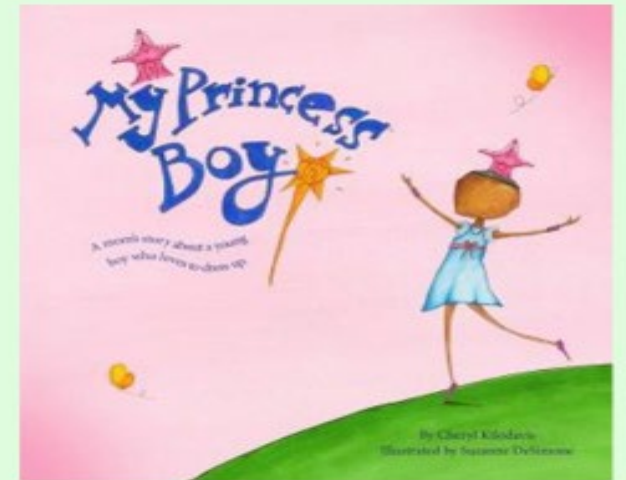
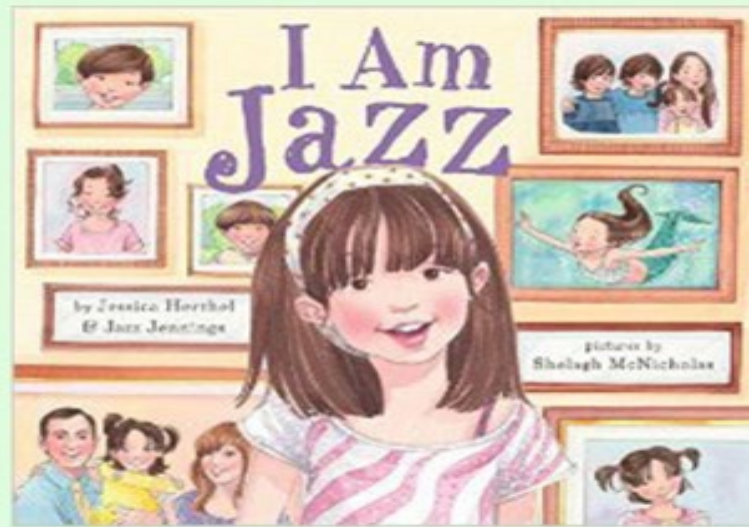
To learn more, go to
www.trans101.org/gender

Design by Landyn Pei and Anna Moore

Schools are Teaching and Promoting Gender Theory and Queer Studies



Classroom and
School
Libraries Are
Filled With
Pro-LGBTQ+
Books



School Policies Promote Gender Theory

School policies now:

- require teachers and students to use pronouns which do not align with a student's biological sex
- allow students to compete in sports, use restrooms and private changing facilities, and sleep in the same hotel room with members of the opposite sex based on how a particular student "identifies" or "feels" on the inside.

School Policies Promote Gender Theory

School policies now:

- require teachers and administrators to maintain separate files on students who have expressed a desire to identify as the opposite sex and develop confidential Gender Support Plans (GSPs)
- recognize a student's right to privacy as superceding a parent's right to know

School Policies Promote Gender Theory



Confidential

Gender Support Plan

The purpose of this document is to create a record of communication about the ways in which the student's authentic gender will be supported by and supported around school staff, and the student should wish to support to complete this document. It also sets out the ways in which the student's gender identity and expression will be supported in the school and around the school. Please note that there is a separate document to plan for a student to make communication information about transgender and gender identity at school.

School/College		Today's Date	
Name (Student's)	Name (School/College)		
Student's Gender Identity	Assigned Sex at Birth	Student Grade Level	
Student's Name	Address (if Applicable)		
Parent(s), Guardian(s), or Caregiver(s) (Relationships)			
Meeting participants:			

WARRANTY/ASSURANCE STATEMENT

Are guardian(s) of this student aware and supportive of their child's gender name? Yes No

If not, what considerations must be accounted for implementing the plan?

CONFIDENTIALITY, CONTACT AND DISCLOSURE

How people or persons will information about this student's gender be shared (if that apply)?

School staff will be aware of the student's gender identity (e.g., school counselor, school psychologist, etc.)
Specify the school staff members:

Teacher/teacher administrator will be aware (through school records, etc.)
Specify the school staff members:

Teacher/teacher administrator staff will know
Specify the school staff members:

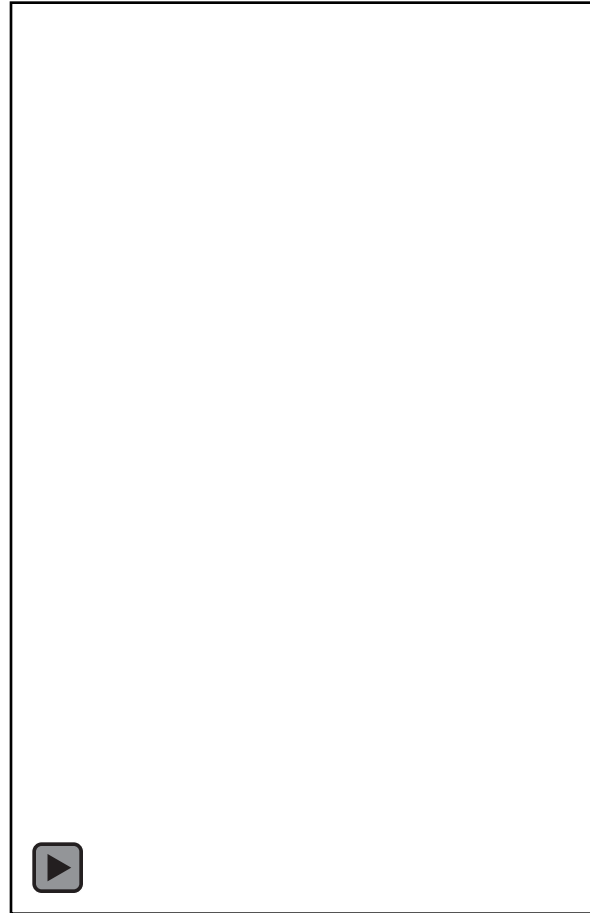
Student will not be aware that some students are aware of the student's gender
Specify the students:

Student support activities (extracurricular) along gender

Other - describe:

If the student's identity is compromised, what steps will be taken if the privacy is compromised, or if failure to have been compromised?

Teachers With an Agenda



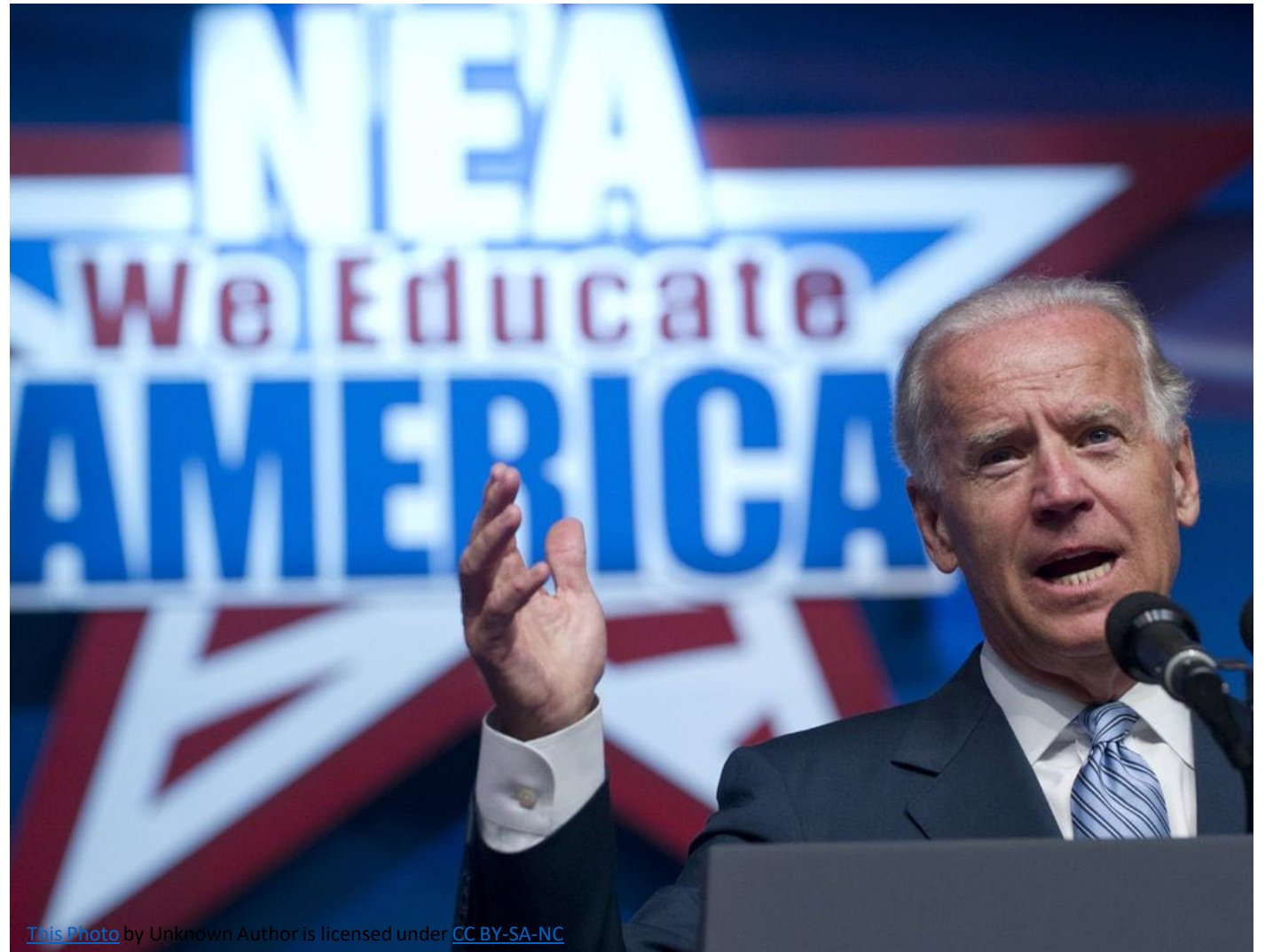
Teachers With
an Agenda



AN AGENDA FROM THE TOP DOWN

***“They’re all our children.
And the reason you’re the
teachers of the year is
because you recognize that.
They’re not somebody
else’s children. **They’re like
yours when they’re in the
classroom.**”***

POTUS at the Teacher of the Year
Ceremony in April 2022



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AN AGENDA FROM THE TOP DOWN

U.S. Secretary of Education Miguel Cardona testified before the House Education and Labor Committee in May 2022. In response to repeated questions from Rep. Jim Banks (R-IN) as to whether Cardona thought schools should keep a student's gender transition secret from their parents, Cardona REFUSED to say that parents should be informed if their child is undergoing a gender transition.



AN AGENDA FROM THE TOP DOWN

PROPOSED CHANGES TO TITLE IX:

- “Sex” redefined to include SOGI
- Forces all schools that receive federal funding to conform to radical gender ideology
- Empower K-12 schools to encourage students to go through a gender transition **without parental consent**



Parental Rights in Education

Parents have the right to:

- choose a learning environment in which their family's views on sex, marriage, and the family are respected, and where their child's biological sex is affirmed.
- send their child into a learning environment where their child is not pressured to accept a particular viewpoint on SOGI which violates their conscience or family values.
- review curriculum in advance of presentation at school
- use available opt-in and/or opt-out policies which give parents more control over the instruction their child receives

Parental Rights in Education

Parents have the right to:

- be informed of, and involved in, important life decisions regarding their child.

Parental rights are undermined when:

- authority figures withhold information about a child's identity from their parents
- encourage the child to withhold information from their parents
- or take any action that undermines the parents' role in guiding their child.



The Undermining of Parental Rights through Radical Gender Ideology in Legislation

Parental Rights in Health Care

Parents have the right to choose counseling or health care treatments for their child which the parents determine to be safe, appropriate, and in their child's best interest.

This choice should be made without government interference based on biased ideologies about sexuality, sexual orientation, or gender identity.

Parental Rights in Health Care

“CONVERSION THERAPY” BANS

Despite decades of research and clinical studies which demonstrate that individuals can benefit from therapeutic approaches which help them to embrace their biological sex, overcome unwanted same-sex attraction, and resolve gender confusion and discomfort, states and localities are passing laws which CENSOR private counseling sessions by prohibiting conversation designed to help with these struggles.

Parental Rights in Health Care

“CONVERSION THERAPY” BANS

These laws mandate that respected counselors and professionals:

- face suspension
- loss of license
- and even heavy fines

if they use their expertise and knowledge to give evidence-based opinions to struggling children and their parents.

These bans:

- politicize the practice of medicine
- undermine freedom of speech and religion
- and violate the fundamental rights of parents to oversee the upbringing and health care of their children.

Parental Rights in Health Care

“CONVERSION THERAPY” BANS

30 states currently permit counseling which helps children become comfortable with their biological sex and bodies.

BUT, some of these states partially ban such counseling by restricting funding (Michigan, Minnesota, North Carolina, and Wisconsin).

The 11th Circuit Court of Appeals (Alabama, Florida, and Georgia) held that such counseling is protected by the First Amendment.

20 states and D.C. censor counseling for minors with unwanted same-sex attraction or gender dysphoria. These bans simply silence a disfavored viewpoint and are not based on evidence of harmful or abusive techniques.

NOTE: VA, MD and DC have “conversion therapy” bans!



Parental Rights and the Title IX Tsunami

Biden Administration's Proposed Title IX Rule Change

- Title IX of the 1972 Educational Amendments prohibits discrimination based on "sex" in any educational program or activity receiving federal financial assistance. It is enforced by the Department of Education's Office for Civil Rights.
- For fifty years, Title IX has been enforced using the self-evident definition of "sex" — a person's status as male or female based on immutable biological traits.
- The new rule, proposed by Biden's Department of Education will redefine "sex" as used in Title IX to include "sex stereotypes, sex-related characteristics (including intersex traits), pregnancy or related conditions, sexual orientation, and gender identity."

Biden Administration's Proposed Title IX Rule Change

What does this mean for parental rights?

1. Gender support plans will become the norm with no requirement for parental consent or knowledge of a child's social transition
2. Child Protective Services will be weaponized against parents who do not support a child's discordant gender identity and efforts to socially and medically transition
3. Parents will have no grounds to contest their child being forced to share bathrooms, locker rooms, private changing facilities, or hotel rooms with members of the opposite sex, nor will they be able to contest males competing against their daughters in sports

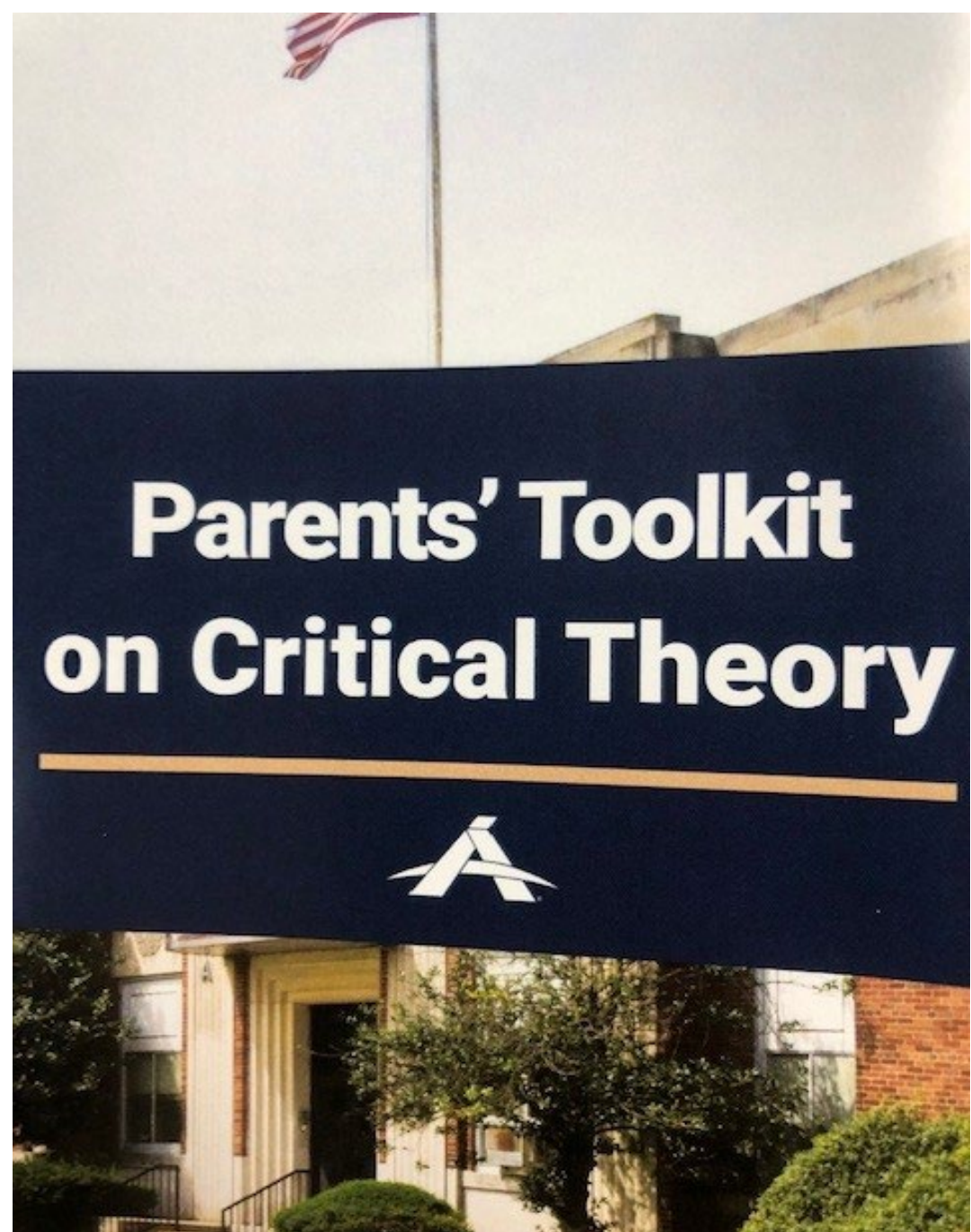


Defending and Preserving Parental Rights

What Can Parents Do to Defend and Preserve Their Parental Rights?

1. Exercise right to review curriculum in advance.
2. Advocate for opt-in policies re: materials or activities that promote ideas rooted in Gender Theory and Queer Studies, such as certain lifestyles, gender fluidity, or sexual behaviors.
3. Encourage children to inform parents about statements, teaching, or curriculum which attacks or undermines belief that marriage is between one man and one woman, as well as any gender identity-based policies.
4. Tell schools and school boards not to introduce confusion into the minds of students by promoting radical gender ideology.
5. Support policies and laws which hold school officials legally accountable for efforts to socially transition a student who is confused about his/her gender, including efforts to keep separate shadow records or use pronouns or names that align with a student's gender identity rather than their biological sex.
6. Oppose counseling bans which limit a counselor's autonomy and professional discretion in choosing therapeutic approaches designed to help youth struggling with unwanted same-sex attraction or gender dysphoria.

Get
Educated!



Download the
Toolkit at:

Download Free Parents' Toolkit on Critical Theory



Have your parental rights been violated?
Go to adflegal.org/help



<https://adflegal.org/blog/parents-toolkit-critical-theory>

Get Engaged!

Submit Public
Comment on
Changes to Title IX

<https://childparentrights.org/title-ix/>

[https://www.regulations.gov/document/
ED-2021-OCR-0166-0001](https://www.regulations.gov/document/ED-2021-OCR-0166-0001)

On or before

SEPTEMBER 12, 2022

Get Engaged!

Embrace and Use
the Promise to
America's Parents

It is time to: A-C-T!

Promise to America's Parents
PromisetoAmericasParents.org

Children belong first and foremost to their families. In the words of the U.S. Supreme Court, they are not “mere creatures of the state.” The unique and intimate relationship between a parent and a child creates a duty and a corresponding natural right. Parental rights are fundamental rights protected by the U.S. Constitution. However, courts have not consistently protected parental rights against government interference and invasion as they should. Parents need laws that provide government Accountability, Choice, and Transparency (ACT):

ACCOUNTABILITY

Every mother or father may hold the government accountable for the infringing on their rights to care for their child.

1. Every mother or father should be able to direct the upbringing, education, and care of their children. Any infringement on these fundamental rights by a federal, state, or local government policy must meet the strictest legal standard.

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CHOICE

Every mother or father has the responsibility and right to choose the education and medical treatment that they deem best for their child.

- 2. Every mother or father should have the freedom to choose a school (including private school, religious schools, and homeschooling) that aligns with their values.**
- 3. Every mother or father should be able to determine the instruction that their child receives. Public schools should obtain written consent for instruction on topics related to Critical Theory and Identity, including but not limited to, topics such as race, sex, sexual orientation, and gender identity. Parents should be able to opt their child out of any instruction that violates their beliefs and should be able to hold the government accountable if their rights are violated.**
- 4. Every mother or father should be able to determine the medical treatment that their child receives. No parent should face political or ideological barriers in obtaining healthcare for their child.**
- 5. Any medical professional, school official, and/or government employee should obtain written parental consent to treat a child's mental or physical health.**

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TRANSPARENCY

Every mother or father has the right to know about what their child is learning, their child's health, and any harms to them.

6. **Every mother or father should have the right to review all curriculum and teacher training materials, receive material updates, meet with teachers to discuss instruction of their child, and make alternative arrangements to objectionable instruction.**
7. **Every mother or father should have the right to be informed by school officials about their child's physical, emotional, and mental health.**
8. **Every mother or father should be able to safeguard their child's personal information. Public schools should obtain written parental consent before collecting information including, but not limited to, DNA, blood, biometric data, and voice or image recordings.**
9. **Every mother or father should have the right to full access to all written and electronic records about their child (including, but not limited to, medical records, disciplinary, counseling, and psychological records, and reports of behavioral patterns) unless the parent is the subject of a criminal investigation.**
10. **Every mother or father should have the right to be notified by school employees, medical professionals, and/or government officials if there is a reasonable suspicion that abuse, neglect, or any criminal offense has been committed against their minor child, unless notification would impede an official investigation.**

Get Engaged!

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the Promise to
America's Parents

It is time to: A-C-T!

PROMISE TO AMERICA'S PARENTS

10 STEPS PARENTS CAN TAKE WITH THE PROMISE

1. **Local School:** Meet with the principal of your child's school to explain why the Promise is needed and provide the principal with a copy of the Promise.
2. **Local School:** Share the Promise with your school's parent/teacher association and start a dialogue about how the organization can make the Promise a part of its activities and services to/for parents and teachers.
3. **Local School Board:** Meet with your school board superintendent and school board representative to explain why the Promise is needed and provide each of them with a copy of the Promise.
4. **Local School Board:** Register to speak at a public school board meeting, present the Promise, and request the board consider adopting the Promise as a resolution to evidence its support of: (a) safeguarding parental rights; and (b) protecting children's minds, bodies and family relationships.
5. **Coalition Partners:** Contact ADF or one of the Promise coalition partners to get connected with an organization in your state which works to uphold parental rights and advocate for the protection of children. Ask how you can link arms with that organization to present and promote the Promise to state legislators.
6. **Federal and State Representatives:** Contact your federal and state representatives to encourage their support of the Promise and the passing of legislation which safeguards parental rights and provides government Accountability, Choices for parents, and Transparency in education. Ask what you can do to facilitate them introducing and passing appropriate legislation.
7. **Social Media:** Share the Promise on your social media platforms and encourage other parents to engage their schools, school boards, and representatives about the Promise.
8. **Family, Friends and Neighbors:** Share the Promise with your family, friends and neighbors, and encourage them to share it and engage their schools, school boards and elected representatives in supporting and fulfilling the Promise.
9. **Grassroots Organizations:** Get involved with one or more local, state or national grassroots organizations which supports the Promise, and advocates for parental rights and protecting children from harm.
10. **Local and National Media:** Pursue and utilize contacts/connections with local and national media outlets to draw their attention to the Promise and encourage them to report on the Promise with real-life stories of parents/children affected by laws and policies which violate parental rights and harm children.



Promise to America's Parents

[Read The Promise](#)

Quick Links [The Promise](#) [Sign the Promise](#) [Resources](#)



Sign the Promise to America's Parents!

Parental rights are fundamental rights that are protected by the U.S. Constitution. The United States Supreme Court has recognized that parents have the right to direct the care, upbringing, and education of their children. Government policies should support parents as they fulfill these duties to their children. However, new government policies are imposing divisive ideologies in education and politicizing medical care for children who are emotionally distressed about their bodies. These policies undermine the rights of parents. To guarantee parental rights, laws should ensure government Accountability, Choice, and Transparency. This is our Promise: